

we have submitted new claims, claiming additional structure not found in the Ernest Patent and for that matter not found in any of the other patents cited against us by the Examiner to date. In particular we submit that the following elements are novel and patentable features over the prior art cited against namely:

- (a) a substantially planer head section;
- (b) a brush edge oriented parallel to and spaced from the handle plane;
- (c) a flared handle section;
- (d) tapered transition section;
- (e) handle section being oblong in cross-section.

The applicant only needs to provide one structural and/or functional difference over the applied art in order to obtain an allowable claim. We submit that the above features we have claimed in the newly submitted claims contain patentable features over and above the prior art cited against us to date.

I look forward to receiving your reply, I remain.

Respectfully submitted,



Mark Koch

(44,448)

MAK:pf

VERSION WITH MARKINGS TO SHOW CHANGES

In The Claims

In The Claims

Kindly cancel all of the existing claims.

Kindly insert the following new claims numbered 40 through to 57.

40. A paint brush handle comprising:

a) a head section including a shoulder end, a brush end, a brush edge and a shoulder surface, said brush end of said head section for receiving a brush head, and said head section being substantially planar and oriented along a brush plane;

b) an elongated handle section oriented substantially along a handle axis and handle plane, said handle axis and said brush plane are substantially parallel to each other and spaced at an offset distance; and

c) a transition means for rigidly connecting said shoulder end of said head section to one end of said handle section.

41. The paint brush handle claimed in claim 1 wherein said brush edge oriented substantially parallel to and spaced from said handle plane.

42. The paint brush handle claimed in claim 1 wherein said head section being flared, such that said head section being wider proximate a brush end and narrowing toward said transition section.

43. The paint brush handle claimed in claim 1 wherein said transition section tapering, being wider proximate said head section and narrower proximate said handle section.

44. The paint brush handle claimed in claim 1 wherein said handle section being substantially oblong in cross section, with the longer oblong portion substantially parallel to said brush plane.

45. The paint brush handle claimed in claim 1 wherein said handle section being

substantially elliptical in cross section, with the longer elliptical portion substantially parallel to said brush plane.

46. The ergonomic paint brush handle claimed in claim 1 wherein said transition means comprises a transition section rigidly attached at one end to said shoulder end of said head section, and at the other end to one end of said handle section, said transition section being oriented longitudinally along a transition axis which is disposed at an angle theta relative to said brush plane.
47. A paint brush comprising:
(a) a handle and an attached brush head, said handle having three distinct portions;
(b) a head section for receiving a brush head, said head section oriented along a brush plane;
(c) an offset transition section;
(d) an elongated handle section oriented along an handle axis;
(e) said brush head being relatively flat and adapted to be received and secured to a relatively flat brush end of said head section of said handle; and
(f) said elongated handle section being remote from said head section and being joined to said head section by said transition section, so that said handle section and said head section lie in different planes.
48. The paint brush as claimed in claim 8 wherein said brush plane and said handle axis are parallel and spaced apart.
49. The paint brush claimed in claim 8 wherein said head section further including a brush edge wherein said brush edge oriented substantially parallel to and spaced from a handle plane.
50. The paint brush claimed in claim 8 wherein said head section being flared, such that head section being wider proximate a brush end and narrowing toward said transition section.
51. The paint brush claimed in claim 8 wherein said transition section tapering, being wider proximate said head section and narrower proximate said handle section.
52. The paint brush claimed in claim 8 wherein said handle section being substantially oblong in cross section, with the longer oblong portion substantially parallel to said brush plane.
53. A paint brush comprising:

(a) a handle on which a brush head is attached at one end of said handle;
(b) said brush head being of a flattened nature and having a flattened metallic casing for attachment to a head section of said handle by suitable means;
(c) said head section being flared from an intermediate transition section to form a wide flat head section to accept said brush head;
(d) an elongated flattened handle section remote from said head section having a somewhat oblong cross section; and
(e) said head section, said intermediate transition section and said elongated handle section being integrally joined together to form a unitary handle wherein a brush plane being the plane of the flattened head section and the handle axis of said elongated handle section lie in different planes.

54. The paint brush claimed in claim 14 wherein said head section further including a brush edge wherein said brush edge oriented substantially parallel to and spaced from a handle plane.
55. The paint brush claimed in claim 14 wherein said head section being flared, such that head section being wider proximate a brush end and narrowing toward said transition section.
56. The paint brush claimed in claim 14 wherein said transition section tapering, being wider proximate said head section and narrower proximate said handle section.
57. The paint brush claimed in claim 14 wherein said handle section being substantially oblong in cross section, with the longer oblong section substantially parallel to said brush plane.

F:\WPMARK\PAT\300P4USOFA3.wpd